

III. Remarks

A. Information Disclosure Statements

Applicant would like to bring to the Examiner's attention several IDSs that were previously filed but which have not yet been initialed off on:

1. IDS #4 dated January 19, 2001: In the first office action, the Examiner provided initialed pages 1-2, but not page 3. Please provide an initialed copy of sheet 3.
2. IDS #5 dated December 21, 2001: Applicant has not received initialed sheets for this IDS.
3. IDS #6 dated September 12, 2003: Applicant has not received initialed sheets for this IDS.

For the Examiner's convenience, copies of (1)-(3) are provided herewith as Exhibit A so that they can be initialed and returned with the next office action.

B. Background of the Invention

The following is intended to provide the Examiner a short background on the invention. This background does not intend to, nor have the effect of, defining the meaning of particular claim terms. The background discusses certain facets of the invention pertaining to certain claims (e.g., dependent claims) that do not pertain to other claims (e.g., independent claims). The background discusses certain aspects disclosed in the specification but not specifically recited in the pending claims.

The invention is generally directed to providing data objects resulting in "phonepages" (e.g., with visual and/or audio content) which are rendered to a calling A-

party or a called B-party in connection with a telephone connection. Generally, the phonepages are rendered in response to a call trigger event, such as a call being made, a call being answered, a call resulting in a busy signal, a party being put on hold, a call being terminated, and so forth. Just by way of example, a busy signal call trigger event occurring when A-party (“Bob”) calls B-party (“Paul”) might result in Bob seeing Paul’s phonepage which states “This is Paul, I’m busy right now but I’ll call you back shortly!” If Bob places Paul on hold during the call, that placed-on-hold trigger event may result in Paul seeing Bob’s phonepage which states “This is Bob, you’re on hold—I’ll be right back!”

One disadvantage of conventional approaches to phonepages is that they rely entirely on the use of calling line identification (CLI, sometimes referred to as “caller ID” in the U.S.) type data to retrieve phonepages. Drawbacks to this include the fact that (1) not all communication systems (e.g., mobile communication networks) support CLI, and (2) even if a network supports CLI, the calling A-party may not have selected it as an option so it is unavailable to support phonepages, and (3) even if a network supports CLI, and even if the calling A-party’s plan has the CLI option, the calling A-party may wish to exert control over the distribution of his/her phonepages (including the distribution of the A-party’s CLI information itself) so that not every called B-party gets to view/hear the A-party’s phonepages.

Focusing on (3), consider the hypothetical where the A-party’s (Bob) introductory phonepage is a light-hearted image of Bob in a clown suit from a birthday party intended for friends and family. If Bob’s phonepage is accessible through his CLI (public phone number) information, then when Bob calls his boss to say he will not be in at work that day

because of illness, his boss may see a phonepage that Bob does not wish his boss to see.

Thus, the invention addresses this issue by providing phonepages that are accessible in a manner where the first party's phonepages are not made available to the second party unless the first party has requested the second party's phonepages.

C. Claim Amendment

Applicant has amended independent Claims 1 and 4 to reflect that the first and second communication devices are parties to a telephone connection for voice communications. A telephone connection can be one that has been established between a calling party and a called party or one that is being sought by making the call in the first instance. Claim 1 is also amended to reflect that the data object of the first communication device is provided to the second communication device only if the first communication device had requested the data object of the second communication device. Claims 1 and 4 are also amended to reflect that the data objects have visual or audio information that is rendered to one of the call parties.

D. The Rejections

In par. (3) of the Office Action, the Examiner has rejected Claims 1-5, 7, 9, 12, 14, and 16 under § 103 based on Norby, et al., U.S. Pat. No. 5,933,486 (“Norby”). (Note: In par. (3) of the Office Action, the Examiner lists Claim 11 as being rejected under Norby alone, but in par. (4), the Examiner makes clear that Claim 11 is actually rejected based on Norby in view another reference.)

1. Independent Claims 1 and 4 Patentably Distinguish Norby

Applicant respectfully submits that Norby's system for call routing is not relevant to the claimed invention. Norby is generally directed to call routing to specific network resources for purposes of providing enhanced services, such as for routing to a VRU¹ device (Voice Response Unit, for providing VRU services), conference bridge devices (for conference call services), and the like. Referring to Figure 1 in Norby, after a call is received at the local origination switch 14, if it is determined that the call requires enhanced services, the origination switch 14 sends a query to Service Control Point (SCP) 16. Norby, Col. 2, lines 51-59. In response, SCP 16 then submits a request for service instructions along line 34 to Service Host 18. Norby, Col. 2, line 62-Col. 3, line 7. In response, Service Host 18 then determines what network resource is needed for the call, for example, a VRU device, and sends a service instruction that includes a resource ID back to SCP 16. Norby, Col. 3, lines 15-27. SCP 16 then returns routing instructions corresponding to the resource ID along line 32 to origination switch 14. Norby, Col. 4, lines 4-9. These routing instructions instruct the origination switch to route the call to the selected network resource, e.g., the call is routed to a VRU in external media resources 26 so that the caller can interact with the VRU. Norby at *Id.*

In sum, Norby teaches that incoming calls can be processed to determine whether the calls should be routed to a network resource for enhanced services, and if so, where the call should be routed to arrive at the selected network resource.

¹ VRUs are automated query-response devices, such as those commonly used by banks and credit card companies to receive selections from consumers and provide

Norby Does Not Teach Data Objects at All, Nor the Requesting of Data Objects

As reflected in Claim 1, the invention is generally directed to the requesting and delivery of “data objects” (e.g., phonepages) to two mobile communication devices (e.g., a calling A-Party cell phone and a called B-Party cell phone) involved in a call event between the two parties (e.g., the A-Party calls the B-Party).

Specifically, Claim 1 provides that the **first mobile communication device** “**requests . . . a data object associated with [the] second mobile communication device,**” and the **second mobile communication device** **accesses a “data object associated with the first communication device.”**

Norby does not teach or suggest data objects at all. Norby merely teaches that incoming calls can be examined to determine where they should be routed. Norby does not remotely suggest that the caller (first party) can request or receive a data object associated with the party that is being called (second party). Nor does Norby teach or suggest that the called second party can receive data objects associated with the calling first party.

The citations provided by the Examiner in par. (3) of the Office Action do not alter this conclusion. Cited Col. 2, lines 50-60 of Norby refer to requests for routing instructions; this does not relate to request for data objects. The same is true for cited Col. 3, lines 27-33 and Col. 3, lines 34-62. All of these cited sections refer to requests for

information (e.g., an account balance) to consumers without using a human consumer service representative (CSR).

routing instructions for network resources, and have nothing to do with requests for data objects, nor the sharing of data objects between call parties.

In sum, the only requests that Norby teaches are requests for routing instructions for where a call should be routed. In sum, Norby does not teach (1) providing data objects, nor (2) requesting data objects, nor (3) providing a data object to a first call party about the second call party, and a data object to the second call party about the first call party.

Norby Does Not Teach the Conditional Delivery of Data Objects Either

As reflected in Claim 1, this claimed invention provides a conditional delivery of data objects about a first call party such that the second call party receives data objects about the first call party only if the first call party had requested a data object about the second call party. This feature provides “reciprocity” such that the first party can control the distribution of the first party’s data objects.

In relevant part, Claim 1 provides that:

“as a result of the first request by the first communication device, providing identification information of the first communication device that enables the second communication device to access a data object associated with the first communication device” and

“wherein the second communication device is provided a data object associated with the first communication device only if the first communication device requested a data object associated with the second communication device.”

Norby does not remotely suggest this feature. As discussed above, Norby does not teach the basic features of providing data objects, requesting data objects, nor the sharing

of data objects between the first and second call devices. Norby does not come close to suggesting the further enhancement of conditionally providing a party's data object based on whether that party had requested the data object of the other party.

The citations made by the Examiner (discussed above) do not relate to this feature of Applicant's invention.

Independent Claim 4 is similar to Claim 1 except that Claim 4 is directed to the invention from the perspective of the second communication device. Similar to the points made above for Claim 1, Norby does not suggest the features in Claim 4 of requesting and providing data objects, nor the conditional delivery of data objects.

2. Claims Depending from Claim 1 (Claims 2-3 and 14-17) and Claims Depending from Claim 4 (Claims 5-7 and 9-13) Patentably Distinguish the Applied Art

Claims 2-3. The Examiner rejected Claims 2-3 based on Norby. These claims distinguish Norby for at least the reasons discussed above.

Claims 14-17. The Examiner rejected Claims 14 and 16 based on Norby. These claims distinguish Norby for at least the reasons discussed above. In par. (5), the Examiner rejected Claim 15 based on Norby in view of Porter, U.S. Pub. No. 2002/0059272 ("Porter"). Porter does not cure the deficiencies of Norby described above for the independent claim, so Claim 15 is patentable over the combination. In par. (6) of the Office Action, the Examiner rejected Claim 17 based on Norby in view of Tejada, U.S. Pub. No. 2002/0068550B1 (Tejada). Tejada does not cure the deficiencies of Norby described above for the independent claim, particularly the conditional distribution of phone pages based on whether the one party requested the phone page of the other party.

Therefore, Claim 17 is patentable over Norby alone, as well as the proposed combination of Norby and Tejada.

Claims 5-7. The Examiner rejected Claims 5 and 7 based on Norby. These claims distinguish Norby for at least the reasons discussed above. The Examiner appears to have missed Claim 6 in the Office Action. Claim 6 provides that the first call party's data object is provided to the second call party without using calling line identification (CLID) information (e.g., caller ID). This important feature of providing a data object without using CLID data is not remotely suggested by the applied art.

Claims 9-13. The Examiner rejected Claim 9 and 12 based on Norby. These claims are patentable over Norby for the reasons described above. The Examiner indicated that Claim 10 was allowable, which remains the case after the minor amendment to independent Claim 4. In par. (4), the Examiner rejected Claim 11 based on Norby in view of Zaras, et al., U.S. Pat. No. 6,625,644 ("Zaras"). Zara's web search process does not cure the deficiencies of Norby described above for the independent claim, so Claim 11 is patentable over the combination. In par. (5), the Examiner rejected Claim 13 based on Norby combined with Porter; as noted above, Porter does not cure the deficiencies of Norby with respect to the independent claim.

IV. Conclusion

Applicant respectfully submits that the application is in condition for allowance and respectfully requests a notice of allowance for the pending claims. Should the Examiner determine that any further action is necessary to place this application in condition for allowance, the Examiner is kindly requested and encouraged to telephone Applicant's undersigned representative at the number listed below.

This response to the Office Action is being filed before the expiration of three (3) months from the date of the Office Action. Therefore, it is believed that no extension fees are required. If any additional fees are deemed necessary, Applicant hereby provides authorization to charge such fees against deposit account 50-0206. If any refunds are due, Applicant hereby provides authorization to credit such refunds against the deposit account.

Respectfully submitted,


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